



Graves Garrett LLC

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June 15, 2023

Via Email Only

Custodian of Records
New Mexico Secretary of State
New Mexico Capitol Annex North
325 Gaspar, Suite 300
Santa Fe, NM 87501
Sos.elections@state.nm.us

Re: IPRA Records Request

Dear Custodian of Records:

This firm represents Voter Reference Foundation, LLC ("VRF"). VRF hereby requests a copy of the following records pursuant to the Inspection of Public Records Act ("IRPA"). This request seeks all responsive records from September 1, 2021, to present:

1. All requests the Secretary of State has received from any person for records which are available, or which the requestor claims must be made available, under the National Voter Registration Act.
2. Any non-privileged communications pertaining to the requests identified in paragraph 1 above, including but not limited to any communications between the Secretary's Office and the requestor.
3. All documents the Secretary of State has produced in response to any of the requests identified in response to paragraph 1, above.
4. All records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters.

Please provide your response, and any responsive documents that are immediately available, within three (3) business days. Please make your production on

a rolling basis if necessary. If at least some records can be produced without objection or are clearly responsive, please produce those documents first. Please produce all electronic data in its native format, preserving all metadata.

Please send responses and communications regarding this request to the following address, in electronic form if possible, or to the following mail address:

edgreim@gravesgarrett.com
Edward D. Greim
Graves Garrett LLC
1100 Main Street, Suite 2700
Kansas City, MO 64105

If you deny any part of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law. If there are any portions of this request that you find objectionable for any reason, please notify me in writing of the objections immediately, identifying by date and subject what documents are covered by the objection, and the specific legal authority for the objection. Please provide a privilege log for records that you refuse to release as privileged or otherwise closed.

If a public record contains exempt and nonexempt materials, please separate the exempt and nonexempt materials and make the nonexempt materials available for inspection. Please consider each request separately, so that any objection to one request will not unnecessarily delay responses to the remainder of the requests.

VRF agrees to pay the applicable fees for copying and transmitting the records. Please provide a receipt indicating the charges for each document.

Finally, we acknowledge that there is pending litigation between VRF and the Secretary of State; litigation counsel for the Secretary's office, Jeff Herrera and Kelsey Schremmer, are copied on this letter. However, the pendency of litigation is not a valid objection to an IRPA request, particularly given the Attorney General's explicit guidance to the contrary:

Sometimes questions come up regarding the relationship between the Act and requests for records in the context of discovery in civil litigation. For example, an inspection request under the Act may be made instead of or in addition to a discovery request. Generally, the two schemes for obtaining records are separate and independent; the availability of records under the Act does not affect a litigant's discovery rights or vice versa. Unless an applicable exception to the right to inspect public records applies, **a public body may not deny an inspection request just because the requester is engaged in litigation against the public body or has asked for the same records in discovery.**

Attorney General's Inspection of Public Records Act Compliance Guide at 34 (emphasis added).

Thank you for your attention, and we will look forward to your prompt response.

Sincerely,

A handwritten signature in cursive script, appearing to read "Edward D. Greim", written in black ink.

Edward D. Greim

cc: Jeff Herrera, Esq.; Kelsey Schremmer, Esq.